

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3153-2014
Date of Decision: 09.07.2015

Naveen Kumar ... Petitioners (s)

Versus

The State of Haryana ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Naveen Shehrawat, Deputy Advocate General, Haryana

Paramjeet Singh, J. (Oral)

Custody certificate of the petitioner, filed in Court today, is taken on record.

Present criminal revision has been preferred by the petitioner against judgment dated 04.07.2014 passed by learned Sessions Judge, Fatehabad whereby appeal preferred by the petitioner has been dismissed and judgment of conviction and order of sentence dated 01.02.2012 passed by learned Additional Chief Judicial Magistrate, Fatehabad, have been upheld and the petitioner has been sentenced as under:

<i>Under Section</i>	<i>Sentence</i>
279 IPC	<i>Simple imprisonment for a period of 6 months and to pay a fine of Rs. 500/- (Rs. Five Hundred Only). In default of payment of fine, he shall further undergo simple imprisonment for a period of 7 days.</i>
304-A IPC	<i>Rigorous imprisonment for a period of 1½ years and to pay a fine of Rs. 1000/- (Rs. One Thousand only). In default of payment of fine, he shall further undergo simple imprisonment for a period of 10 days.</i>

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel appearing for the petitioner states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for about 8 years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2007 and since then a period of about 8 years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner belongs to poor family and has two old aged parents who remain ill and there is nobody else to look after his family. The petitioner is a first offender and has not ever misused the concession of bail granted by this Court. The petitioner has undergone more than one year actual sentence.

On the other hand, learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on

admonition, probation etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the petitioner, which have been noted above. Since the petitioner has undergone more than one year actual sentence and with remission it has come out to be about 1 years and 4 months, this Court is of the view that it is a fit case wherein sentence awarded to the petitioner can be reduced to already undergone. Ordered accordingly. The impugned judgment of sentence and order of conviction including default clause stand affirmed with aforesaid modification. The petitioner, who is stated to be in custody, be released forthwith, if not required in any other case.

With the above observations/modification of impugned order, present revision petition is disposed of.

July 09, 2015.
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(PARAMJEET SINGH)
JUDGE